

REMARKS

Claims 1-19 are pending. Claims 4, 5, 13-15, 17, and 19 have been canceled as being drawn to a nonelected invention. Claims 1 and 16 have been amended.

Claim 1 has been amended in subsection (b) to specify that the DNA consists of “the coding region” of the nucleotide sequence of SEQ ID NO: 1. Claim 1 has been further amended to cancel subsection (d). Support for this amendment can be found throughout the application as originally filed.

Claim 16 has been amended to specify that the isolated polynucleotide comprises at least 15 continuous nucleotides that are fully complementary to the coding region of the nucleotide sequence of SEQ ID NO: 1 or the nucleotide sequence of SEQ ID NO: 2. Support for this amendment can be found throughout the application as originally filed.

The foregoing claim amendments should in no way be construed as acquiescence to any of the Examiner’s rejections and were made solely to expedite prosecution of the application. Applicants reserve the right to pursue claims to the canceled subject matter, or any subject matter which they are entitled to claim, in this or a separate application. No new matter has been added. Further, the withdrawn method claims that depend from or otherwise include all the limitations of any allowable product claims which are deemed allowable should also be rejoined in accordance with the provisions of MPEP §821.04.

Rejection of Claims 1-3, 6-12, 16, and 18 Under 35 U.S.C. §112, Second Paragraph

Claims 1-3, 6-12, 16, and 18 are rejected as being indefinite. According to the Examiner, “in claim 1(b), ‘a coding region’ should be amended to ‘the coding region.’” To expedite prosecution, claim 1(b) has been amended as the Examiner suggests. Therefore, this rejection is moot.

Further, the cancellation of subsection 1(d) should obviate the Examiner’s additional rejection pertaining to claim 1.

With respect to claim 16, the phrase objected to by the Examiner, “or a fully complementary sequence thereof,” has been canceled. Therefore, this rejection is moot.

Rejection of Claims 1-3, 6-12, 16, and 18 Under 35 U.S.C. §112, First Paragraph

Claims 1-3, 6-12, 16, and 18 are rejected as not meeting the written description requirement. According to the Examiner, “the recitation of 95% identity lacks adequate written description.”

Applicants respectfully traverse this rejection. However, to expedite prosecution, subject matter encompassing 95% identity has been canceled from the claims. Therefore, this rejection should be moot.

Rejection of Claims 1-3, 6-12, 16, and 18 Under 35 U.S.C. §112, First Paragraph

Claims 1-3, 6-12, 16, and 18 are rejected as not being enabled. According to the Examiner, the specification “does not reasonably provide enablement for sequences having 95% sequence identity to a sequence encoding SEQ ID NO:3 ...”

Applicants respectfully traverse this rejection. However, as described above, to expedite prosecution subject matter encompassing 95% identity has been canceled from the claims. Therefore, this rejection should be moot.

Rejection of Claims 1-3, 6-12, 16, and 18 Under 35 U.S.C. §102(e)

Claims 1-3, 6-12, 16, and 18 are rejected as being anticipated by Chang *et al.* (WO 2003000898). According to the Examiner:

Chang teaches a rice sequence of SEQ ID NO:3500 which encodes a protein having 99.5% sequence identity to Applicant’s SEQ ID NO:3. The deletion of function resulting in an increase in glumous flowers, fruits or seeds would be an inherent property of the sequence of Chang ...

Applicants respectfully traverse this rejection. However, to expedite prosecution, the claims have been amended to specify that the isolated DNA (a) encodes the protein comprising the amino acid sequence of SEQ ID NO: 3; (b) consists of the coding region of the nucleotide sequence of SEQ ID NO: 1; or comprises a coding region comprising the nucleotide sequence of SEQ ID NO: 2. Chang *et al.* fail to teach or suggest the claimed molecules. Therefore, the claims are novel over Chang *et al.*

Rejection of Claim 18 Under 35 U.S.C. §102(b)

Claim 18 is rejected as being anticipated by Boukharov (US 2007/0020621). According to the Examiner, "Boukharov teaches a sequence of SEQ ID NO:68122 which has 100% sequence identity to SEQ ID NO:1.

Applicant assumes that this rejection pertains to claim 16 and not claim 18. Accordingly, to expedite prosecution, claim 16 has been amended to specify the coding region of SEQ ID NO:1. Boukharov discloses the genome sequence which encompasses the nucleotide sequence having 100% identity to the polynucleotide of SEQ ID NO: 1. However, Boukharov fails to teach or suggest the coding region of this sequence. Accordingly, the claims are novel over Boukharov.

SUMMARY

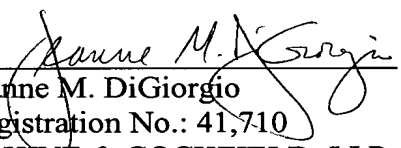
Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SHZ-024USRCE from which the undersigned is authorized to draw.

If the Examiner believes that a telephone conversation with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

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Respectfully submitted,

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